

UPE - The Voice of Educators

UPE - Providing its members with guidance and assistance in times of need



Why Choose The UPE?

The Union of Professional Educators (UPE) was founded by professional educators with the aim of establishing and consultative set up.

The UPE offers its members a sterling service which comprises legal advice and consultancy services which are tailor made to cater for their unique needs.

The UPE believes in empowering its members and listening to their concerns. The values of integrity, empathy, and trustworthiness are at the foundations of this Union since conception, aiming to ensure that the common good is held as a priority.

Our willingness to promptly and efficiently serve and guide all those who require our services, at all times, lies enshrined in the vision embraced by the union.

We invite you to join a union which genuinely cares, and which is ready to offer its support even on matters which may seem trivial to some. We are aware that even

1

REPRESENTATION

The UPE exclusively represents its members both at the place of work as well as at any meeting which may regard their professional well-being.

2

COLLECTIVE AGREEMENTS

The UPE is backed by a team specialised in collective bargaining, and also endeavours to outsource work to experts in the field as well as members of the UPE from different grades.

3

LEGAL ADVICE

The UPE is supported by a legal team specialised in Employment and Industrial Law which also works hand-in-hand with the UPE think-tank at all times.

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A view on the upcoming Collective Agreement

What's happening behind the scenes?

It is no secret that the two educator unions in Malta are doing their utmost to gain the confidence of their members in order to negotiate on their behalf.

It must be said that UPE has gained traction over the years and now represents a very large segment of educators. The MUT, on the other hand, has lost its popularity among grass-root educators and has simply shifted its overriding interest to supporting management grades. This was evident in the last collective agreement signed in 2017.

Unfortunately, many educators have lost faith in unions in general and tend to remain on the sidelines waiting for a positive outcome. This problem increased after the 2017 collective agreement which many educators considered it to be another MUT blunder.

In contrast, the UPE has remained persistent and consistent in its efforts and has recently gained representation of the majority of the LSEs, which was confirmed by the law courts, and it is now waiting for the legal process of recognition to run its course within the coming weeks.



The UPE has been listening to its members and taking stock of what is to be negotiated and will eventually be in a position to announce to its members what gains it has made.

“The MUT on the other hand has lost its popularity among grassroots educators”

The MUT has made several proposals, such as promising air-conditioners in classrooms, which will not be discussed and included within the collective agreement.

One fails to understand why the MUT has charted this aberrant course.

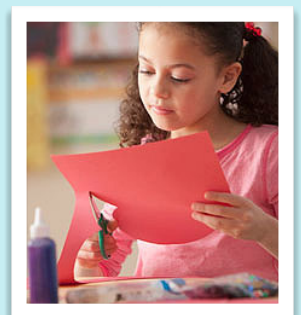
Is it because they lack the negotiator's knowledge of what can and cannot be discussed during talks? Is it an attempt to fool its own members into believing there is a grandiose scheme?

Or is this a move to try and damage politically the Education Minister himself by creating the illusion that the government has refused these proposals?

The Effect of the emergent curriculum on teachers and students

It is understood that social learning precedes cognitive development (Gandini 2012). To allow this to happen, teachers implementing the emergent curriculum in Malta must develop a deep understanding of what is required. This new form of teaching helps the children's thinking and enhances their curiosity.

The biggest hurdle that educators face is that this programme entails a lot of preparation and resources, an issue that has been a burden even before the introduction of the emergent curriculum. Educators are obliged to spend hundreds of euros on material without adequate financial compensation. The 2017 Agreement signed by the MUT fell short of providing educators with enough funds to cater for such a programme. On the other hand, the Ministry of Education expects that the required level is achieved while failing to understand educators' fatigue. (READ MORE ON PAGE 4)



MUT - purveyors of fake-news!

Since UPE's inception, the MUT has tried to do all it can to discredit us by stating that UPE is not a recognised union and that it cannot issue directives.



To this day, the MUT continues to mislead the public by stating that UPE's directives are illegal and if one obeys them, one is in breach of employment law.

This is nothing more than the peddling of fake-news to counter the UPE's success in attracting several thousand members.

The UPE has denounced this meritless claim several times over the years, but it is only fair that the reader is provided with solid proof.

On the 12 November 2019 in front of Onor. JUSTICE JOSEPH ZAMMIT McKEON, the MUT presented a prohibitory injunction against the UPE trying to STOP it from carrying out its function as a trade union in State, Church and Independent schools.

JUSTICE JOSEPH ZAMMIT McKEON denied the MUT's request and pointed out:

“Fi kwalunkwe kaz, anke jekk għall-grazzja tal-argument gara hekk, fatt li huwa fattwalment kontestat mix-xiehda ta` Graham Sansone, ma jaghti ebda jedd lill-Malta Union of Teachers li tincidi, tindahal jew addirittura tfixkel il-hidma tal-Union of Professional Educators favur dawk mill-membri taghha li jkun fittxew il-kenn taghha għad-difiza u l-harsien tad-drittijiet individwali taghhom.”

This legal statement clearly means that the UPE has the legitimate right to issue directives to its members.

LSE's Role In the modern classroom - what's missing?



The role of the Learning Support Educator (LSE) has evolved over the years since its inception in the 1990's, when inclusive education started to be implemented in Malta & Gozo and 'facilitators' introduced into the classroom setting.

In the 2020s, LSEs find themselves studying to improve their knowledge on inclusive education but regrettably see no change at all in their job conditions. The miserly increase in their salary scale does not motivate LSEs to up-skill, as they eventually realise that all LSE grades have a common job description.

It is time to understand that in this day and age when one has professional LSEs reading for a degree or Masters, certain tasks are not commensurate with their qualifications. In the last agreement, agreed and signed by a handful in Hamrun, one made sure that LSEs remained at the bottom of the salary scale, while merely adding a few cosmetic touches. On the other hand, management grades were remunerated substantially.

LSEs must be recognised for their essential role in the classroom and be considered as professionals. To this end, the introduction of a warrant for LSEs is a must and a serious discussion on the question of seniority tackled head on.

Only the UPE is capable of safeguarding and advocating these matters in the next collective agreement.

FAQs - Calculating maternity leave

Female educators are entitled to Maternity Leave on full pay for absences from work because of pregnancy and confinement for an uninterrupted period of not more than fourteen (14) weeks as follows: -

- a) an educator may utilize up to eight (8) weeks immediately prior to date of confinement; and
- b) a minimum period of six (6) weeks immediately following date of confinement.

An educator is also entitled to time-off without loss of pay or any other benefit in order to attend ante-natal examinations, if such examinations have to take place during hours of work.

Maternity leave falling in the month of August is compensated in September.

An additional four (4) weeks maternity leave (in addition to the 14 weeks mentioned above) are not paid by the employer. This is without prejudice to any entitlement for payment which may be effected by virtue of the Social Security Act with regards to the extra weeks after the first fourteen (14) weeks.

The educator has to notify the employer in writing of the date when she intends to avail herself of such entitlement at least four weeks before its commencement in so far as is reasonably practicable.

On termination of maternity leave, the educator has the right to resume work in the post formerly occupied on the commencement of the maternity leave.

THE EFFECT OF THE EMERGENT CURRICULUM ON TEACHERS AND STUDENTS

The new scholastic year (2022-2023) will see the implementation of the Emergent Curriculum as the sole approach to teaching and learning across all Year 1 classes. By the next scholastic year (2023-2024), this will also apply to all Year 2 classes. The Emergent Curriculum aims to adopt a genuine child-centered approach responsive to children's interests to create meaningful learning experiences. Thus, it seeks to present cross-curricular learning opportunities through which the children can construct their learning and interact with their peers, the environment, and the adults participating in said learning opportunities. Putting into practice the Emergent Curriculum requires an enormous leap as this is an undeniable paradigm shift, requiring educators to switch from the rigidly structured and fragmented system they are familiar with to a more flexible and integrated one. Traditional practices required the delivery of distinct lessons addressing one specific learning objective, for example, a Mathematics lesson aiming to teach

addition. With this innovative method, teachers must create learning opportunities that simultaneously target various goals and topics. For instance, a story-telling activity can include movement, sensory stimulation, scientific and mathematical concepts, and literacy. This poses many challenges which need to be addressed.

First and foremost, there is noticeable anxiety among educators who will be directly involved in implementing the Emergent Curriculum. This is mainly derivative of two distinct factors. Firstly, a misperception of this methodology and consequently confusion about putting it into practice. I understand that many teachers feel their training was neither sufficient nor exhaustive. Secondly, the fear of burnout. Those teachers who have grasped the concept and taken the initiative to embark on this project-based approach know from experience that this will require endless hours of planning, not to mention the creation of new resources every week, all year long. Moreover, contrary to what was the case up until now, teachers will be able to use very few activities, worksheets, and plans accumulated from previous years. Additionally, the possibility of teamwork amongst colleagues within the same year

group will be reduced significantly because since the teaching and learning will emerge from the interest of a particular group at a specific time, it will naturally be unique and, most likely, unrepeatable. This will cause fatigue and eventually exhaustion amongst educators who have to deal with the issues related to implementing the Emergent Curriculum mentioned above and others. Namely, in many cases, a large number of pupils, some of whom present very challenging behaviours, an increasing lack of cooperation and participation from parents, unappealing and, in some cases, unsafe environments, and the demotivation which generally accompanies negative public opinions which, teachers are susceptible to.

Looking at some of the most successful education systems, we cannot fail to notice that uniformity is critical. By this, I mean that all schools adopt the same approach, and all teachers provide unique learning experiences grounded on the agreed pedagogy from the start to the end of the pupils' educational journey. Rather than being a seamless experience, the Maltese educational system resembles a patchwork of methods and procedures that are sometimes contradictory. As a result, we have ended up with grave inconsistencies. One has to appreciate that this is not merely an issue that will inevitably affect the population of children involved. Effective Early Childhood Education is crucial to the society we hope to become. Here I ask: How is the Education Department ensuring that all schools implement the Emergent Curriculum successfully? What is the plan for year 3 to year 6? Are the pupils expected to transition from a setting that considers their interests, experiences, and needs to the traditional one currently in place?

Another recurrent concern is the financing of teaching supplies. It is no secret that many teachers, especially early Childhood Educators, fund materials used for the activities carried out in class. These items are varied and include, but are not limited to, subscriptions to educational

websites, paper and cartridges for printing material, lamination machines and pouches, arts and crafts supplies, educational toys and puzzles, and items for classroom décor. Although many schools provide some resources, the budget is very restrictive, forcing teachers to choose between buying the necessary supplies for a particular activity or not doing the activity at all. The Emergent Curriculum will inevitably create a greater need for resources. One would not expect any other professional to buy the equipment they need themselves. Why is this allowed to happen to educators?

The Emergent Curriculum has great potential: it is the first step in the right direction for nurturing and supporting inquisitive and creative individuals who can interact with others and their environment in ways that lead to a wholesome and holistic education. However, without adequate support and continuation, this might result in another futile attempt to imitate foreign educational systems without considering the local realities, the prominent casualties being the pupils.

GET IN TOUCH

We welcome your questions and comments. We assure you that all correspondence will be treated in the strictest confidence.



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UPE Files Constitutional Case against ITS, Ministry of Tourism & State Advocate

The Union of Professional Educators (UPE) has filed a constitutional case against the Institute of Tourism Studies (ITS), the Ministry of Tourism as well as the State Advocate after the ongoing saga at ITS failed to reach a satisfactory conclusion following letters intimating disciplinary action against members of staff for allegedly having followed UPE directives.

The UPE has tried its best to resolve the stand-off; in fact, as recently as 30 November 2022, UPE notified ITS that it had withdrawn all of its directives in an attempt to find a way forward. Unfortunately, the CEO at ITS, Mr Pierre Fenech, insisted that it is “impossible to stall the disciplinary procedures as they relate to a consummated action, performed by certain members of the ITS staff.”

ITS has based its argument on clause 38 of the collective agreement signed between ITS and MUT wherein

“The management and the union agreed that unofficial industrial action is detrimental to both the institute and the union and as such is not to be supported. It is agreed that any academic/s who organise/s and/or take/s part in any unofficial industrial action, shall be liable to disciplinary action which may lead to dismissal. ‘Unofficial industrial action’ is any type of industrial action not initiated by the recognised union.”

The UPE subsequently filed a trade dispute on the 9 November 2022, since clause 38 is deemed to be unconstitutional and goes against the basic freedom that workers have to be affiliated with a union of their choice

[CONSTITUTION OF MALTA – Art. 42 – Protection of freedom of assembly and association. Amended by: LVIII.1974.13].

Despite several attempts by the Union to find an equitable solution, ITS management has mistakenly continued to insist that they are following SL452.112.5:

“Once a union is recognized as the sole collective bargaining union, no other union may intervene on a collective matter relating to the employees concerned with the employer, and conversely, no employer shall discuss collective matters relating to the employees concerned with a union other than the recognized union.”

What ITS has conveniently ignored is that the UPE being the minority union does not issue directives on a collective basis, but it issues directives only to its members.

It is our belief that the legal stalemate could have been resolved if discussions had taken place in with goodwill, but this has not been the case because of the intransigence shown by ITS despite the withdrawal of directives.

True to its core values, the UPE has the duty to protect its members at ITS and has decided to initiate legal action.

Dr Franco Debono, Dr Marion Camilleri & Dr David Camilleri are representing the UPE.